HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2711 of 2002

Petitioner		C. P. Gandhi, S/o Late Shri T. R. Gandhi, aged about 60 years, Ex-Deputy General Manager, Incharge Bhilai Refractories Plant, Bhart Refractories Limited, Maroda – Bhilai. R/o Plot No. 40/46, Street – 13 Pragati Nagar, Risali, Tahsil and District- Durg (C.G.).
	Versus	
Respondents	1.	Union of India, Through Secretary, Ministry of Steel, Government of India, Udyog Bhawan, New Delhi.
	2.	Bharat Refractories Limited, Through Chairman-cum-Managing Director, Indira Marg, Sector-4, Bokaro Steel City (Jharkhand).
	3.	Deputy General Manager (Incharge) Bhilai Refractories Plant, Bharat Refractories Limited, Maroda, Bhilai, Tahsil and District – Durg (C.G.).
	4.	Steel Authority of India Limited, Through Managing Director, Bhilai Steel Plant, Ispat Bhawan, Bhilai Nagar, Tahsil and District- Durg (C.G.)

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Petitioner by Shri V. G. Tamaskar, Advocate.

Respondents No. 2 and 3 by Shri V. V. S. Moorthy, Senior Advocate with Shri Hemant Solapurkar, Advocate.

Respondent No.4 by Miss Rita Halder, Advocate.

ORAL ORDER

(3rd January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner who was employee of Respondents No. 2 and 3 retired on 28.2.2001 on attaining the age of 58 years of service. Terms and conditions of services are governed by terms of settlement (Annexure R-2/2). The settlement was arrived at on 14.10.1985 in the course of conciliation proceedings held by the Assistant Labour Commissioner,

Raipur and Conciliation Officer, in the Industrial Dispute No. 14/83 between M/s Bharat Refrectories Ltd., Bhilai Refractorries Plant and Refractories Workers Union (representative Union) under Section 43 of the M. P. Industrial Relations Act 1960 (Annexure R-2/2). Clause 11 provides for retiral benefits Clause 11.3 clearly provides that after retirement the employee and his/her spouse shall continue to receive medical benefits in the Company run dispensaries/hospitals in case they present themselves for medical treatment. According to the petitioner he is suffering from Renal Colic (kidney stone) and his wife is suffering from high blood pressure. According to the petitioner the company runs dispensary/hospitals do not have facilities for treatment of above stated disease. The petitioner has filed this petition under Article 226 of the Constitution of India seeking a direction against the Respondents No. 2 and 3 to provide free comprehensive medical treatment to the petitioner and his wife.

2. Shri V. G. Tamaskar, learned counsel for the petitioner submits that all other retired employees are extended the medical facilities except the petitioner and his wife. The petitioner and his wife are ready to take medical treatments at company run dispensary/hospitals but the company run dispensary/hospitals do not have medical facilities for treatment of medical problems of the petitioner and his wife.

3. Shri V. V. S. Moorthy, learned senior Advocate with Shri Hemant Solapurkar, Advocate, appearing for the Respondents No. 2 and 3 admits terms and settlement under the agreement, however learned counsel submits that the respondent Company is under financial crises and the Respondents No. 2 and 3 are considering to withdraw medical facilities extended to the employees and retired employees, in case they do not receive financial aid from the Bhilai Steel Plant.

(94)

4. Having heard learned counsel for the parties and having perused the records, it is found that the service conditions of the employees working as well as retired employees of the Respondents No. 2 and 3 are governed by the terms of the settlement of the agreement dated 14.10.1985. Said settlement clearly provides for grant of medical facilities to the retired employees also. Admittedly, the petitioner is a retired employee of the Respondents No. 2 and 3. If the retired employees and their spouses are entitled to medical facilities, the petitioner and his wife could not be denied reimbursement of medical treatment, which is not available in the company run dispensary/hospitals and the retired employees had to take such medical treatment outside. The petitioner and his wife are suffering from serious ailment which requires immediate medical treatment. The petitioner is accordingly entitled to the medical facilities and reimbursement of the medical treatment as per terms and conditions.

5. For the reasons stated above the petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge